

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

MEGAN FOX and BRIDGET MCMAHON, CIVIL ACTION  
on behalf of themselves and all others  
similarly situated, No. 2:20-cv-01448-WSS

Plaintiffs,

v.

CHIPOTLE MEXICAN GRILL, INC., t/d/b/a  
CHIPOTLE,

Defendant.

**PLAINTIFFS' MOTION TO MODIFY CASE MANAGEMENT ORDER  
TO EXTEND DEADLINE FOR SERVICE OF EXPERT REPORTS**

Plaintiffs Megan Fox and Bridget McMahon, on behalf of themselves and all others similarly situated, and through their undersigned counsel, move this Honorable Court to modify the Case Management Order of April 7, 2021, upon the following grounds:

1. On April 7, 2021, this Court entered a Case Management Order ("CMO"), a copy of which is attached to this Motion as **Exhibit 1**.
2. The CMO currently requires "Expert Reports as to class certification" to be served by September 15, 2021.
3. However, class certification discovery, a necessary precursor to several aspects upon which an expert would opine, does not close until November 19, 2021.
4. Plaintiffs have been attempting to obtain relevant class discovery, to which Defendant Chipotle has largely objected. See Defendant's Responses and Objections to Plaintiffs' First Set of Discovery Requests, attached as **Exhibit 2**.

5. Plaintiffs have also Noticed the depositions of several Chipotle managers since June, 2021, but either because of scheduling conflicts or the fact that there has been a turnover of managers at several Chipotle locations, these depositions have not occurred, through no fault of either party.

6. On September 3, 2021, Plaintiffs sent a “meet and confer” letter, attached hereto as **Exhibit 3**, to Chipotle’s counsel. In that letter, Plaintiffs referenced the need to obtain access to data Chipotle was refusing to produce “for analysis by Plaintiffs’ experts.”

7. Chipotle’s counsel did not respond to Plaintiffs’ letter until 5:27 p.m. on September 17, 2021 (although Plaintiffs requested a response by September 10, 2021). See **Exhibit 4**.

8. Chipotle’s response will necessitate a Motion to Compel, which will be filed no later than September 27, 2021. But, in any event, Plaintiffs should not be prejudiced by Chipotle’s refusal to provide discovery which is necessary to support a class certification expert’s report.

WHEREFORE, Plaintiffs respectfully move this Honorable Court to modify its April 7, 2021 Case Management Order to (a) extend the deadline for serving principal expert reports as to class certification until November 1, 2021, and (b) extend the deadline to serve rebuttal expert reports as to class certification until November 10, 2021.

Respectfully submitted,

ROTHMAN GORDON, P.C.

By: /s/ Frank G. Salpietro  
Frank G. Salpietro, Esquire  
Pa. I.D. No. 47154

310 Grant Street – 3<sup>rd</sup> Floor  
Pittsburgh, PA 15219  
[fgsalpietro@rothmangordon.com](mailto:fgsalpietro@rothmangordon.com)

Attorneys for Plaintiffs